

WC 05-257

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

AUG - 5 2005

Federal Communications Commission
Office of Secretary

In the Matter of

TMC of Virginia, Inc.

Application for Section 63.71 Authority
for Discontinuance and Reduction in Service

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File No. _____

APPLICATION FOR SECTION 63.71 AUTHORITY
FOR DISCONTINUANCE AND REDUCTION IN SERVICE

TMC of Virginia, Inc. ("TMC") hereby requests, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.71 of the Commission's Rules, 47 C.F.R. § 63.71, authority to discontinue and reduce its provision of domestic telecommunications services, as described herein. TMC is non-dominant with respect to the services being discontinued and reduced. Affected customers have been notified in the manner described in 47 C.F.R. § 63.71(a).

TMC provides local exchange and long-distance service to business customers on a resale basis in Virginia. As a result of a dispute between TMC and Verizon Virginia Inc. ("Verizon"), Verizon has indicated it may terminate service to TMC and its customers on September 12, 2005. TMC has placed orders to migrate nearly all of its affected client accounts to other carriers. However, due to the nature of telecommunications networks, not all of the affected client locations can be served by TMC's other providers, and approximately 350 customer accounts may be disconnected. Accordingly, TMC files this Application seeking to discontinue and reduce its provision of service to those clients whom TMC can no longer serve.

TMC provides the following information in support of this Application, pursuant to 47

C.F.R. § 63.71:

I. Section 63.71(a) Information

(1) Name and address of carrier:

TMC of Virginia, Inc.
One Washingtonian Center
9801 Washingtonian Blvd, Suite 510
Gaithersburg, MD 20878

(2) Date of planned service discontinuance and reduction:

Verizon has indicated that it will terminate service to TMC on September 12, 2005.

(3) Geographic areas affected:

Affected customers are located in various locations in the Verizon footprint in Virginia.

(4) Brief description of type of service affected:

TMC hereby seeks authority to discontinue and reduce the provision of local exchange and long-distance services to some of its customers in Virginia.

II. Notification Requirements

TMC by letter has provided notice of its planned discontinuance and reduction in service to customers whom TMC can no longer serve. *See* Customer Notice, Attachment A.¹

Contingent on when and if Verizon takes action, TMC expects to discontinue and reduce service to those affected customers on September 12, 2005.

TMC is serving a copy of this Application to the Virginia State Corporation Commission, the Governor of Virginia, and to the Special Assistant for Telecommunications to the Secretary

¹ Verizon had previously indicated that it would terminate service on September 6, 2005, but subsequently revised the date to comply with Virginia regulations. Accordingly, TMC's original customer notice indicated that service might be terminated on September 6, 2005, rather than September 12, 2005, Verizon's current proposed termination date.

of Defense, as required by Section 63.71(a).

III. Regulatory Status

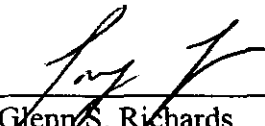
TMC is regulated as a non-dominant carrier with respect to the services that it seeks authority to discontinue and reduce.

Conclusion

Neither the present nor future public convenience and necessity will be adversely affected by this proposed discontinuance and reduction of service. TMC has placed orders to migrate nearly all of its affected client accounts to other carriers, and those customers that cannot be migrated have been provided with adequate notice and have access to comparable local exchange and long-distance services offered by other telecommunications carriers at competitive prices.

For the foregoing reasons, TMC respectfully requests, pursuant to 47 U.S.C. § 214(a) and 47 C.F.R. §63.71, that the Commission approve this Application for Section 63.71 Authority for Discontinuance and Reduction in Service.

Respectfully submitted,



Glenn S. Richards
Tony Lin
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037

Counsel for TMC of Virginia, Inc.

Dated: August 5, 2005

CERTIFICATION

On behalf of TMC of Virginia, Inc., I hereby certify that the statements in the foregoing Application for Section 63.71 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

By: Name: Daniel GalkinTitle: CEODate: August 5, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application for Section 63.71 Authority for Discontinuance and Reduction in Service was sent by first-class mail, postage pre-paid, on August 5, 2005 to the following:

Governor Mark Warner
Executive Office Building, 3rd Floor
1111 East Broad Street
Richmond, Virginia 23219

Virginia State Corporation Commission
Division of Communications
P.O. Box 1197
Richmond, Virginia 23218

Secretary of Defense
Attn: Special Assistant for Telecommunications
Pentagon
Washington, DC 20301



Renee Williams

ATTACHMENT A
CUSTOMER NOTICE

TMC Communications of Virginia, Inc.
9801 Washingtonian Blvd
Suite 510
Gaithersburg, Maryland 20878

RGS Title
4400 Jennifer Street NW
Washington, DC 20015

July 21, 2005

Dear Ms. Jackson,

As you may be aware, TMC Communications of Virginia, Inc. ("TMC"), your local and long-distance telecommunications provider, has been engaged in a dispute with one of our underlying carriers, Verizon Virginia Inc. ("Verizon"). As a result of this dispute, Verizon has indicated that on September 6, 2005 it will terminate service to our Virginia clients that Verizon serves. TMC has already placed orders to migrate nearly all of our affected client accounts to other carriers. However due to the nature of telecommunications networks, not all of our client locations can be served by our other providers. **Listed below are your accounts that fall into this category, and for these locations you must find an alternative carrier prior to September 6, 2005.** You can find a list of most local telephone service providers in your local telephone directory. If you have any questions, please call your customer service representative at 301-913-0314 or 866-246-8862.

Your other accounts, if any, will be migrated to alternative carriers, and you will receive a five percent discount on the line charges on those accounts. We regret this inconvenience, and will do everything in our power to make this transition as seamless as possible.

The Federal Communications Commission will normally authorize this proposed reduction of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing Application for Section 63.71 Authority of TMC Communications of Delaware, Inc. Comments should include specific information about the impact of this proposed reduction in service upon your company, including any inability to acquire reasonable substitute service.

Sincerely,

Daniel Galkin
CEO

On August 1, 2005 TMC sent Certified mail regarding proposed reduction in service. There was a typographical error in the last paragraph which should have read:

The Federal Communications Commission will normally authorize this proposed reduction of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. **Address them to the Federal Communications Commission, Washington, DC 20554, referencing Application for Section 63.71 Authority of TMC Communications of Virginia, Inc.** Comments should include specific information about the impact of this proposed reduction in service upon your company, including any inability to acquire reasonable substitute service.

We apologize for any inconvenience this may have caused you.